

IN RE: Revisions to Article 8 of the Commission's Regulations) ORDER
) PROMULGATING
) REGULATIONS

In the December 2005 issue of the State Register, the new regulations proposed by this Commission, a Statement of Need and Reasonableness for these regulations, and a Preliminary Fiscal Impact Statement were published. The Commission also published a

Notice of Public Hearing, which stated that the Commission had scheduled a hearing for February 2, 2006, at 2:30 p.m. to take place in the Commission's Hearing Room.

A hearing was held on February 2, 2006, at 2:30 p.m. in the Commission's Hearing Room, with the Honorable Randy Mitchell, Chairman, presiding. All jurisdictional documents were submitted into the record as a Hearing Exhibit, which was admitted into the evidence. Jocelyn Boyd, Deputy Clerk, outlined the proposed changes in the Commission's Practice and Procedure Regulations to conform to Act No. 175 of 2004. Other presenters proposed modifications to the proposed regulations, although all presenters lauded the spirit of cooperation that existed with regard to their development. Further, considerable discussion was also held about the issue of public witnesses appearing before the Commission during Commission proceedings.

BellSouth Telecommunications, Inc. (BellSouth) proposed minor modifications to proposed 26 S.C. Code Ann. Regs. 103-803, Waiver of Rules; to 103-804Q, the Definition of Proceeding; to 103-810, Functions of the Commission; to 103-840, Motions; and to 103-830, Filing and Service of Proceedings. We find these proposed changes to be more reasonable than those changes originally proposed, except for the change to 103-840, Motions. BellSouth proposed to increase the amount of time allowed for response to a Motion from ten to twenty days, and the amount of time to respond to a response from five to ten days. We reject this proposal, in that we believe that it would unnecessarily delay the adjudication of motions before this Commission. However, we would note that the regulation contains a provision for this Commission or its designee to enlarge the times contained within in the regulation upon the showing of good cause.

Accordingly, litigants have a mechanism for requesting more response time if such time is needed upon the proper showing. The remainder of BellSouth's proposed modifications are accepted, however, as reasonable.

While we understand that the testimony of public witnesses appearing before the Commission during Commission proceedings may raise various issues among litigants, the Commission had determined not to address these issues by regulation at this time. We believe that hearing testimony from public witnesses is necessary in order to address public concerns in a proceeding. We also believe that there are steps that may be taken at the time of a hearing to ensure fairness to all parties in the course of taking that testimony. The Commission therefore encourages parties to raise any such specific concerns that may arise in the context of a particular case, and in addition, specifically reserves the discretion to address this issue again at a later time.

The Commission has considered this matter and finds that the proposed changes to the Article 8 regulations, including several of those proposed by BellSouth as addressed above, are reasonable, and that a need also exists to conform these regulations to the provisions of Act No. 175. Based on the record as a whole, the Commission finds that the requisite need and reasonableness have been met, and that the changes to the regulations as outlined above should be promulgated.

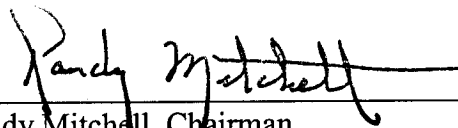
IT IS THEREFORE ORDERED THAT:

1. The changes to the Article 8 regulations as described above are hereby promulgated.

2. These regulations shall be submitted to the General Assembly for review pursuant to State law.


3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice-Chairman

(SEAL)